

Judge Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN MALCOLM STEWART,

Defendant.

NO. CR07-302RSM

ORDER OF CONTINUANCE

Before this Court is a Motion to Continue the Trial Date;

The Court finds, after a consideration of all relevant information and the circumstances of this case, that the ends of justice would best be served by the granting of this request for continuance. The ends of justice outweigh the best interests of the public and the defendant in having the matter brought to trial sooner.

For all the reasons presented in the files and records herein, the Court finds that the Motion to Continue the trial should be GRANTED. The trial date currently scheduled for March 11, 2008, is VACATED. Trial shall be rescheduled to May 19, 2008.

Any and all period of delay resulting from the granting of this continuance, from the date of the filing of Defendant's Motion to Continue on January 24, 2008, until the date of the rescheduled trial, shall be excludable time pursuant to Title 18, United States Code, Section 3161(h)(1)(F) and (h)(8)(A), and the Court makes the following findings:

1 a. That the failure to grant such a continuance in this case would be likely
2 to result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(B)(I);


3 b. That it is in the defendant's best interest to be aware of all of the
4 potential charges against him, and have the opportunity to negotiate settlements on all of
5 those charges;

6 c. That the failure to grant such a continuance in this case would deny
7 counsel for the defendant and the government the reasonable time necessary for effective
8 preparation, taking into account the exercise of due diligence, because of the existence of a
9 significant amount of discovery from both federal and state law enforcement authorities, and
10 the recent appointment of new counsel. 18 U.S.C. § 3161(h)(8)(B)(iv);

11 d. That because of the complexity of the case, the assignment of new
12 counsel and the involvement of cooperating co-conspirators, it may be unreasonable to
13 expect adequate preparation for pretrial proceedings or for the trial itself within the time
14 limits established by Title 18, United States Code, Section 3161(h)(8)(B)(ii).

15 IT IS SO ORDERED

16 DATED this _6_ day of February, 2008.



17
18 RICARDO S. MARTINEZ
19 UNITED STATES DISTRICT JUDGE

20 Presented by:

21 JEFFREY C. SULLIVAN
22 United States Attorney

23 By:

24 NORMAN M. BARBOSA
25 Assistant United States Attorney